

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUIS RAMIREZ-RICO,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

CASE NO. C15-1386-JCC-MAT

REPORT AND RECOMMENDATION

Proceeding *pro se*, petitioner filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, challenging the length of his detention at the Northwest Detention Center in Tacoma, Washington. Dkt. 5. Respondent moved to dismiss, arguing that petitioner’s detention was statutorily authorized and he was not entitled to a bond hearing. Dkt. 11. Because the record was incomplete, the Court ordered supplemental briefing, which respondent submitted. Dkts. 15, 16, 18, 20. Subsequently, petitioner was removed from the United States to Mexico. Dkt. 20. Respondent thus asserts that this action now is moot. *Id.* The Court agrees.

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). “For a habeas petition to continue to present a live controversy after the petitioner’s release or deportation . . .

1 there must be some remaining ‘collateral consequence’ that may be redressed by success on the  
2 petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). Because petitioner’s habeas  
3 petition challenges only the length of his detention at the Northwest Detention Center, his claims  
4 were fully resolved by release from custody. *See id.* at 1065. Accordingly, there is no collateral  
5 consequence that could be redressed by the Court, and petitioner’s habeas petition must be  
6 dismissed as moot. *See id.*

7 For the foregoing reasons, the Court recommends that respondent’s motion to dismiss,  
8 Dkt. 11, be GRANTED; petitioner’s habeas petition, Dkt. 8, be DENIED as moot; and this action  
9 be DISMISSED without prejudice. A proposed order accompanies this Report and  
10 Recommendation.

11 DEADLINE FOR OBJECTIONS

12 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
13 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report  
14 and Recommendation is signed. Failure to file objections within the specified time may affect  
15 your right to appeal. Objections should be noted for consideration on the District Judge’s  
16 motions calendar for the third Friday after they are filed. Responses to objections may be filed  
17 within **fourteen (14) days** after service of objections. If no timely objections are filed, the  
18 matter will be ready for consideration by the District Judge on **February 19, 2016**.

19 DATED this 26th day of January, 2016.

20  
21   
22 Mary Alice Theiler  
23 United States Magistrate Judge